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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 Gene Edward Scott, II,

10 Plaintiff,

11 v.

12 Unknown Party,

13 Defendant.  
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No. CV-24-02539-PHX-DJH

**ORDER**

15 Plaintiff has filed a Complaint that is patently frivolous. Therein, he alleges that  
16 “only 1% of airlines for passengers are Negroes owned in the United States and less than  
17 2% of airlines are legally owned by Negroes in the Universe.” (Doc. 1 at 4). For relief he  
18 seeks “to never be @ fault” and “to be legal Gigolo during forever.” (*Id.* at 5). He does  
19 not identify any defendants.

20 “[A] complaint, containing both factual allegations and legal conclusions is  
21 frivolous where it lacks an arguable basis either in law or in fact.” *Nietzke v. Williams*,  
22 490 U.S. 319, 325 (1989). “[A] finding of factual frivolousness is appropriate when the  
23 facts alleged rise to the level of the irrational or wholly incredible, whether or not there  
24 are judicially recognized facts available to contradict them.” *Denton v. Hernandez*, 504  
25 U.S. 25, 33 (1992).

26 Moreover, in light of Plaintiff’s pattern of filing frivolous actions, *see, e.g., Scott*  
27 *v. Veterans Administration et al*, 2:23-cv-01151-DWL at Doc. 12 (discussing Plaintiff’s  
28 pattern of filing frivolous cases, usually accompanied by IFP applications, each a


1 different account of Plaintiff's finances, even when filed in the same month, and then  
2 voluntarily dismissing them), it is clear that leave to amend would be futile.

3 Accordingly,

4 **IT IS ORDERED** that this action is **dismissed** without leave to amend. The  
5 Clerk shall terminate the action.

6 **IT IS FURTHER ORDERED** that the Application for Leave to Proceed *In*  
7 *Forma Pauperis* (Doc. 2), the *Ex Parte* Motion for Summary Judgment and Motion to  
8 Dismiss Case (Doc. 8), and Motion for Reconsideration (Doc. 9) are **denied** as moot.

9 Dated this 8th day of January, 2025.

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13 Honorable Diane J. Humetewa  
14 United States District Judge  
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